

Federal Communications Commission

DA 97-1694

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DISPATCHED BY

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 97-10  
Table of Allotments, ) RM-8984  
FM Broadcast Stations. ) RM-9033  
(Mount Horeb, Mazomanie )  
and Dodgeville, Wisconsin)<sup>1</sup> )

**REPORT AND ORDER**  
**(Proceeding Terminated)****Adopted: August 6, 1997****Released: August 15, 1997**

By the Chief, Allocations Branch:

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 664 (1997), proposing the allotment of Channel 294A to Mount Horeb, Wisconsin, as that community's first local broadcast service. The Notice was issued in response to a petition filed by First Congregational Services ("First Congregational"). First Congregational filed comments restating its interest in Channel 294A at Mount Horeb. Shopper Stopper, Ltd. ("Shopper") filed a counterproposal.<sup>2</sup> Dodge Point Broadcasting Company, Inc., ("Dodge Point") filed reply comments.

2. Shopper has counterproposed the allotment of Channel 257A to Mazomanie, Wisconsin, and Channel 294A at Dodgeville, Wisconsin. In support of its proposal, Shopper stated that the allotment would provide a first local broadcast service to Mazomanie. According to Shopper, Mazomanie is located in Dane County in southcentral Wisconsin and has a population of 1,377 people. To accommodate the allotment at Mazomanie, Shopper also requests the substitution of Channel 294A for Channel 257A at Dodgeville, Wisconsin, and modification of the license for Station WDMP-FM to specify operation on Channel 294A. Shopper has made a commitment to reimburse Station WDMP-FM for the reasonable and prudent expenses associated with the channel substitution if Shopper receives an authorization for Channel 257A at Mazomanie.

3. Dodge Point, licensee of Station WDMP-FM, Dodgeville, Wisconsin, filed reply

<sup>1</sup> The communities of Mazomanie and Dodgeville have been added to the caption.

<sup>2</sup> Shopper filed a petition for rule making which conflicts with Mount Horeb. The petition has been accepted as a timely filed counterproposal in this proceeding.

comments supporting the allotment of Channel 294A at Mount Horeb, Wisconsin, and indicates that it will file an application for the channel, if allotted. Dodge Point objects to the allotment of Channel 257A at Mazomanie which requires the substitution of Channel 294A for Channel 257A at Dodgeville. Dodge Point contends that allotment of Channel 294A to Mount Horeb will provide a first local service to a significantly larger population. According to Dodge Point, Mount Horeb has a population of 4,182 people while Mazomanie has a population of 1,377 people. Further, Dodge Point argues that the substitution of Channel 294A for Channel 257A will cause severe disruption to existing broadcast service as Station WDMP-FM has been serving the community of Dodgeville for approximately 25 years on the same channel. Furthermore, according to Dodge Point, the new station operating on Channel 257A at Mazomanie would put a 60 dBu signal over Dodgeville. Dodge Point argues that confusion will be created for Station WDMP-FM with its country format if it is forced to Channel 294A or 106.7, as the Station operating at 106.3 also has a country format. Dodge Point believes it would lose listeners to both the new station on its old channel and to another country music station located at 106.3 on the radio dial. In response to Shopper Stopper's argument that Station WDMP-FM could upgrade to six kilowatts on Channel 294A, Dodge Point states that it can upgrade on its current channel by moving its transmitter site or a mutual upgrade agreement with another station. Dodge Point believes that the best interest of the public is served by allotting Channel 294A to the larger community of Mount Horeb which does not require disrupting existing broadcast service to Dodgeville.

4. We have before us two mutually exclusive proposals. In an effort to accommodate both proposals, the staff performed a search to determine if an alternate channel was available to provide service to both communities. The study indicates there are no other channels meeting the spacing requirements. Therefore, our decision in this proceeding is guided by the allotment priorities as set forth in Revision of the FM Assignment Policies and Procedures, 90 FCC 2d 88 (1986).<sup>3</sup>

5. The allotment of Channel 257A at Mazomanie or Channel 294A at Mount Horeb would provide a first local service to either community, fulfilling priority (3). The allotment of Channel 257A as a first local service at the smaller community of Mazomanie requires the substitution of Channel 294A for Channel 257A at Dodgeville, Wisconsin, and modification of the license for Station WDMP-FM accordingly. Neither First Congregational or Shopper have indicated that the requested allotment would provide any first or second aural service. Therefore, our decision must be based on priority (4) - Other public interest factors. In this regard, we find that the community of Mount Horeb has a larger population (4,182 people) than Mazomanie (1,377).<sup>4</sup> We find that Mazomanie receives service from nine stations while Mount Horeb receives service from thirteen stations. Therefore, both communities are considered to

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<sup>3</sup> (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters [Co-equal weight given to priorities (2) and (3)].

<sup>4</sup> The population figures are from the 1990 Census.

be well served. Although not a deciding factor, a staff engineering analysis indicates that Channel 257A at Mazomanie will provide reception service to Mount Horeb and Channel 294A at Mount Horeb will provide reception service to Mazomanie. The communities of Mazomanie and Mount Horeb are both incorporated, located in Dane County approximately 25 miles from Madison, have their own zip code and qualify as communities for allotment purposes but Mount Horeb does have a significantly larger population. Therefore, while we recognize that Mazomanie and Mount Horeb enjoy similar characteristics, we believe the public interest would be served by allotting Channel 294A to Mount Horeb since it has a larger population. See Clarksville and Lanesville, IN, 4 FCC Rcd 4968 (1989) and Stamford and Whitesboro, NY, 7 FCC Rcd 1674 (1992). The allotment at Mount Horeb does not require a substitution at Dodgeville, thus preventing a possible disruption in service for Station WDMP-FM's listeners, which is a public interest consideration.

6. Channel 294A can be allotted to Mount Horeb, Wisconsin, in compliance with the minimum distance separation requirements of the Commission's Rules provided there is a site restriction 9.6 kilometers (6 miles) west of the community.<sup>5</sup> The site restriction will prevent a conflict with Channel 292A, Station WWQM-FM, Middleton, Wisconsin, Channel 294B, Station WYLL, Des Plaines, Illinois, and Channel 295A, Station WNNO-FM, Wisconsin Dells, Wisconsin.

7. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 29, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Mount Horeb, Wisconsin	294A

8. IT IS FURTHER ORDERED, That the Secretary of the Commission, Shall Send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Bart Olson  
Shopper Stopper, Ltd.  
327 Palisade Street  
Merrimac, Wisconsin 53561

9. The window period for filing applications for Channel 294A at Mount Horeb, Wisconsin, will open on September 29, 1997, and close on October 30, 1997.

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<sup>5</sup> The coordinates for Channel 294A at Mount Horeb are 42-59-22 and 89-51-12.

10. IT IS FURTHER ORDERED, That the counterproposal filed by Shopper Stopper, Ltd. (RM-9033) IS DENIED.

11. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

12. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 294A at Mount Horeb, Wisconsin, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau